

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
GREENVILLE DIVISION**

CHARLES DERRYBERRY

PLAINTIFF

v.

No. 4:09CV00001-MPM-DAS

CHRISTOPHER EPPS, ET AL.

DEFENDANTS

ORDER ADOPTING REPORT AND RECOMMENDATION

On consideration of the file and record of this action, the Court finds that the Report and Recommendation of the United States Magistrate Judge dated February 14, 2011, was on that date duly served upon the parties; that more than fourteen days have elapsed since service of said Report and Recommendation; and that no objection thereto has been filed or served by any party. The Court is of the opinion that the magistrate judge's Report and Recommendation should be approved and adopted as the opinion of the Court. It is, therefore

ORDERED:

1. That the Report and Recommendation of the United States Magistrate Judge dated February 14, 2011, is hereby approved and adopted as the opinion of the Court.

2. That this case is dismissed with prejudice for failure to prosecute.

A separate judgment will be issued this date pursuant to Fed. R. Civ. P. 58.

THIS, the 16th day of March, 2011.

/s/ MICHAEL P. MILLS

CHIEF JUDGE

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF MISSISSIPPI**